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Oral Comments from Lake Tomahawk Listening Session

November 12, 2003

The information contained in this summary is a transcript of public comments provided at the Lake Tomahawk listening session. Portions of the taped comments may not have been transcribed if inaudible. Names are spelled phonetically and may be misspelled.

Comments were received during two sessions. Session I was from 4:30 p.m. to 5:30 p.m. Session II was from 8:00 p.m. to 9:00 p.m. Time allotted to each speaker was based on the number of speakers that registered.

Session I

Kim Zanbon: My name is Kim Zanbon, and I'm from Oneida County. I would just like to comment that I think it's important that we don't liberalize the rules for zoning too much. I think zoning is a good thing. It protects land owners' values and it behooves us all to make sure that the rules protect our current values rather than opening up our lake shores to too much development. I'd like to say that I'm in favor of strengthening the primary buffer against proposals to alter or reduce lot size requirements. Anything to alter the size footprints of nonconforming building, I would not be in favor of. Thank you.

Bob Martini: I'm here representing myself as a private landowner. For the last 25 years or so I have been a shoreland property owner in Vilas and Oneida Counties. I'm here to represent some people in our lake association. I have been the president of that association for about 10 years. We advocate stringent shoreland zoning protection. We think it is good for the public at large and for the landowners. Using the example of our own association, which has deed restrictions more restrictive than the county or the proposal from the State, our landowners are not only satisfied with these restrictions, but think they enhance the quality of life on our lake. We think that most people in this area moved here to enjoy the scenic beauty and the fish and wildlife habitat that shoreland zoning protection improves and protects. We think that the Department, over the years, has tried to enhance and protect shorelines in the area for the public. A few years ago, the Department did extensive surveys all over the North. One of the most important points that came of that northern initiatives project was to keep the North the North. Among other things, that meant protecting shorelines and enhancing fish and wildlife habitat. So, we would advocate, in most cases, the Proposal A part of the proposal to give the maximum protection to shorelands in the area.

We think its important, not only for us, but for citizens at large who will never own property on lakefronts or riverfronts, who go to the boat landings and use these properties, and expect and hope to see good wildlife habitat, scenic beauty, and protection of water quality that shoreline zoning enhancements would provide. We think it is important to move forward and not backward, to recognize that a lot of the lots that are good for development have already been developed, and it's going to be more difficult to develop the remaining lots in the future. Therefore, it is more important to protect those wetland lots or those other habitat features that remain. So I personally advocate Proposal A in most cases, and the more

restrictive zoning that can be established. Mainly because there needs to be a statewide umbrella of protection instead of allowing each individual locality to develop to the maximum without regard to people from other states or from other time periods, people that haven't been born yet, not to have a say in those kinds of development decisions. So we think it is important to provide restrictive zoning examples and an umbrella ordinance for the State so that counties can carry that out. Thank you.

Gerry Zimpleman: Oh boy where to start with three minutes. I disagree with just about everything that Mr. Martini said. I think that we're going to have to start looking at property rights as a resource itself. I think we have to realize that the ownership of property is probably at least as valuable a resource as anything else that is being talked about here. And we better start recognizing it as such, or we're going to lose the very mechanism that even allows for these discussions.

We have a saying at Taxpayers for Fair Zoning that zoning is a necessary evil; but the less local it is, the more evil it becomes. I think that we are going to see that this is essentially a state-mandated and state-sponsored effort at zoning. Zoning works best when it is most local and can be triggered and monitored by local nuances of properties and circumstances. I'd like to take an out-of-the-box approach to this nonconforming thing. If we want to talk about trying to bring properties into conformity, maybe we should move the water setback from 75 feet up to 50 feet. That hasn't even been suggested. Then we would take about 5,000 property owners and make them conforming. We don't ever hear any suggestions like that. But the DNR itself acknowledges that the buffer zone is at 50 feet, so why not have buildings at 50 feet? We don't hear any options like that.

I would like to take issue with, the supposedly non-threatening statement that Mr. Wise talks about regarding take that is available. He says we are trying to get people to do what is right. I respectfully take issue with what Mr. Wise might think is what is right. I'll decide what is right for my property, if it's okay with you. We hear in the northwoods that you're going to have eight listening sessions here. But this listening session in the northwoods is where the beachhead is. More than any other area in Wisconsin, we have the state for a neighbor. The state is not showing itself to be such a polite neighbor at this point. The battles that are being fought are going to effect us most up here. I don't want people from down state to tell me what scenic beauty is. I'll decide what scenic beauty is. You may have the statutory authority for it, but you don't have any right to do it. I'll decide what my house should look like. Thank you.

Brahn Krueger: I think I can do this in three minutes; I'm going to try hard. My wife and I bought property on Ground Hemlock Lake in Forest County in 1969. We built there and have lived there in 1974. From the mid 1970's to the mid 1980's, the principle activity of our business was lake management consulting. During that time, I was the principle scientist in over 20 comprehensive 1-year studies funded through Wisconsin's Inland Lake Renewal Program. I'm also a director of the Forest County Association of lakes, but these are my personal views.

As each of us develops a perspective about what NR 115 should and shouldn't be and do, there seem to be three possible points of view: my point, my neighbor's point, and the public's point. Now I don't claim to know all there is to know about lakes, I have had the unique opportunity to play all of these roles. And it's an exercise in schizophrenia. As a lake shore owner, I don't particularly like the notion that someone who knows less than I do about lakes can dictate how I manage my lakefront property. I scrimped to buy the property. I'm a high-rent district taxpayer. I hold the deed to the land. It's mine, and the management decisions should be mine, too. But as a member of the public, and as a neighbor to my neighbors on our lake, I've come to realize that I have an ownership stake in all of Wisconsin's lakes, and I haven't always like the way that private interests have shown their stewardship.

Having studied fish and visited many different lakes over the years, I have seen some pretty dreadful developments. I can think of one chain of lakes down in Southeastern Wisconsin that has deteriorated from mid-mesotrophic to eutrophic status in a 25-year period because of poor development practices.

As a neighbor on a rural waterfront, I want my property to be as unobtrusive to my neighbors across the lake as possible with the hope that he'll reciprocate. This was just my choice and I've been lucky. I could have destroyed the natural habitat and put in a lawn, my neighbor could have cut a 30-foot swath down to the lake, but neither of us moved here to see the other one's house. I don't want to look up a 30-foot clear-cut to see his house, and I don't think the public should have to either. Fortunately, he's not interested in mine either.

But it could be worse. And there's no guarantee this won't happen in the future. Some day his kids might want to expand their 750 square-foot cabin, which is only 50 feet from the lake into a trophy home. The next owners of my place might decide to clear-cut a so-called viewing corridor so everyone can see 30 feet of my beautiful 36-foot wide home. As NR 115 is proposed now, both of these scenarios are possible. And I'm not real sure that they should be. In considering the advice of your committee's proposal, many of the issues have been admirably addressed. My comments and preferences are attached, and I will submit those.

But there are a few areas that concern me. It seems that we've had little effort to eventually achieve a 75-foot setback. I think an emphasis should be put on viewing windows where just a few evergreens and/or branches could be cut, rather than taking a 30-foot clear-cut. And I really like the concept of mitigation, but I'm very concerned about the practicality of administering and enforcing it. Thank you.

Ken Rexler: Ken Rexler, Lincoln County. We spent the last three years in Lincoln County developing county ordinances. In fact, the county board just passed them Tuesday night, so they're really new. It was a long haul, and the Lincoln County Lakes Association was very instrumental in putting it together. I served as chair to the Lincoln County Lakes Association, still do, so I have lots of feedback, and I'm here representing the property owners. Now you'll never get unanimous consensus on anything like this, but I'm speaking from a majority standpoint.

Two issues I'd like to raise. Number one, nonconforming structures, for the primary buffer, we feel real good about being fully maintainable within the primary buffer. The secondary buffer we'd like to expand to 1500 square feet, a footprint, so the property owner can house a growing family. This means that you could have bedrooms on the upper level and still have a 1500 square-foot footprint. My personal experience is that 15 years ago, I had 5 people that I was housing, and now I am housing 15 when I have my married kids and my grandkids. If I hadn't been able to do what I did, I probably wouldn't be on the lake.

The second issue is boathouses. We strongly encourage allowing property owners to build boathouses. I assume the concern is runoff. But they can be built so that they don't generate runoff, and I have an example. I invite anyone to come and look at it. It was part of the agreement I had with the contractor. Build a flat roof and put a five-foot buffer around the outside with pea gravel. Don't arbitrarily take this option from the property owner, but rather put some restrictions on them, like allowing size limit to house the most common water vehicle. Put some mitigative points on it, mandate flat roofs if it has potential viewing problems, require a ten-foot setback. Do some of those things, but don't just say, "none." The option of a 75-foot setback for a boathouse, it's not a boathouse; that's a garage. So I kind of took issue with calling that a boathouse when I saw the documentation back here.

It is also frustrating continually feel the encroachment of more regulations when I go down to the lake in Madison, and I see the governor's mansion there with several acres of lawn coming right to the water's

edge. It doesn't square. We all care about protection of the water quality. We live there. We as property owners live there and we want the quality to be the best it can be, and we work hard at it. But let's strive for a reasonable balance with property owners' rights.

The new ordinance has many new requirements in it to protect the quality of the water, and we support those. But please give us these two requests. I'm going to ask the committee, who do you think cares more about the quality of the water, the occasional visitor and the user, or those of us who live there daily and want to retain that pristineness. Thanks.

Michael Schindler: My name is Michael Schindler, and I'm from Vilas County. I'm just here representing myself. The DNR and the advisory committee are working together to update Wisconsin's shoreland management program found in chapter NR 115 of the Administrative Code. As with many laws there are restrictions placed on what individuals can and cannot do, in this case with shoreland property. Hopefully everyone could see what lakes might look like if there were now restrictions at all.

In addition the make-up of lake property owners has steadily changed from resorts with many small cabins and private small cabin owners to larger summer and retirement homes. Besides a change in ownership type, there's a steady decline in available property and increase in property demand. All of this puts greater recreational pressure on our lakes.

DNR-type personnel have and are doing studies of our lakes. Their studies tell us that if we want our lakes to be available to our children and grandchildren, and I emphasize that, we must be good lake stewards. In short this means we must be very careful how we develop the shoreline surrounding the lakes. The biggest impact shoreland owners have is on what type and how much material enter the lakes. Thus reliably operating septic, deeper setbacks, more native vegetation and ground cover all simulate a more natural environment, which will enhance lake and wildlife protection and longevity.

As with any type of regulation, there are always two sides. In the case of ATVs, you have ATV owners and clubs lined up to be able to use county property. Both sides are very vocal. One voice noticeably missing in a town or area that has allowed ATVs in, and find the result very satisfactory. My point is that with every political issue, the reader or listener should be aware.

In the November 5th issue of the Vilas County News Review newspaper, a first page article outlines the hearings concerning NR 115 rewrite, which is why we are here today. On page 6A of that paper, there is an ad to all Northern Wisconsin waterfront property owners, sponsored by the Wisconsin Realtors' Association and the Wisconsin Builders' Association. The ad says the DNR is proposing changes to shoreline zoning regulations without revealing that they're on the advisory committee working with the DNR to rewrite NR 115. The ad goes on to say the changes can impact the value and enjoyment of your home or property and lists five of the proposed changes, which I won't read at this time.

It may just be me, but it seems to be somewhat of a conflict of interest when businesses speak on an issue, which may or may not affect their business, with no mention at all about the positives of trying to protect our lakes and wildlife. Thank you very much.

Mary Bierman: My name is Mary Bierman, and I'm the president of the Forest County Association of Lakes. At last count, our county lake association represented 16 Forest County lake associations and districts with paid membership totaling over 3100 waterfront property owners. In addition, we have 425 independent and family lakeshore owner members and eight business organizations. We are one of the more active countywide lake associations in Wisconsin. Our association has closely followed the review process for NR 115. We have had a presence at several of the advisory committee meetings, and we have

held special meetings to develop input to the process, which we have submitted to the NR 115 advisory committee.

Several of our directors plan to attend other of these listening sessions around the state. This has become a very important issue to us because of the prevailing attitude of some northern counties. Most of us much prefer local controls, but we fear that lakes and lake property value protection will depend almost entirely on a strong and enforced statewide code. The vast majority of our members agree that none of us likes to be regulated or to have our private properties regulated. But we also realize that while we, as individuals, hold titles to our lakefront properties, how we choose to develop and manage our property can negatively effect lake ecology, aesthetics, and that these belong to all of us: ourselves, our neighbors, and public lake users as well. Thus, we support strong and enforce statewide comprehensive shoreline development standards that would protect both the public's interest and ours as property owners.

A committee within our group has developed positions on the various NR 115 options. Our committee supported all of the Advisory Committee proposals and favored Option A on each of the option issues. We wanted an opportunity to attend these listening sessions before formalizing our position, and then take our full response to our board of directors and then submit it to the NR 115 Advisory Committee within the next few weeks. We appreciate this opportunity to participate in this process. Thank you.

Kay Shark: My name is Kay Shark, and I am speaking on behalf of the Loon Watch Program Sigurd Olsen Environmental Institute and Northland College in the program of advisory council. We strongly support the state of Wisconsin strengthening its shoreline zoning standards to reduce the intensity of development along the state's lakeshores and to guide appropriate shoreline development.

The Loon Watch program works through education, monitoring, and research to protect common loons and their aquatic habitats in Wisconsin and the greater Lake Superior region. We represent a diverse group of citizens, including 200 active volunteers and 550 supporting donors who support the preservation and restoration of healthy loon populations. Shoreline development has been identified as one of the major threats to long-term loon reproduction because it impacts the very things loons need in a breeding territory: shoreline nest sites, food, and clear unpolluted water.

Research indicates that current statewide shoreline zoning are not adequate to ensure long-term loon nesting success in their remaining breeding habitats in Northern Wisconsin. Development density allowed under the existing NR 115 standards is much greater than the density found to impact loon nesting success in Ontario (Vermeer 1973 and Heinberg 1983). Though loons can adapt to some human disturbance associated with development, their specific habitat requirements and their position at the top of the food chain make them vulnerable to human activity.

Loon Watch and the DNR conducted the inland lakes sustainability study in the late 1990's to investigate the impacts of shoreline development and found that current development standards were not adequate to protect habitat. Loon Watch and the DNR documented changes in vegetation at lakes developed under the current NR 115 standards relative to undeveloped lakes. Alteration of vegetation and elimination of dead or downed wood along the shore simplify the habitat.

We recognize in the revising the state's shoreline zones and standards, the DNR needs to balance environmental, social, and economic interests in order for the standards to be effective and sustainable. Shoreline restoration standards preserve fish and wildlife habitat, water quality and natural beauty, the very amenities that attract visitors to Wisconsin and increase lakeshore property values. We believe strengthening NR 115 will enhance the long-term health of the local economy, provide citizens with high quality lake experiences, and help maintain healthy lake ecosystems and common loon populations. Thank you.

Gary Beyer: Thank you again. Gary Beyer, Oneida County board supervisor and town of Nakomas town chairman. I also sit on the planning and zoning committee in Rider County. A lot of these issues come in front of us every week when we hold our meetings. One of them is the nonconforming issue. That word was used quite often today.

Our committee just took action and removed the word nonconforming from our shoreland ordinance. It states through a resolution that we have sent on to the county board that when a property was created or a structure was built, if it followed all of the rules and the regulations at that time, it should forever now remain conforming. Because of an ordinance change, that we can just change someone's property to nonconforming. When the end result of nonconforming is elimination either by eliminating the home all together or making them move it back. We didn't feel that we needed to put that burden on the taxpayers. So we eliminated the word nonconforming and the words legal pre-existing, which was a doctored up word that was put in a few years ago.

We'd like to think that we can keep it that way. However, we do have to control the homes in the sensitive areas close to the water. By regulating them with not allowing them to do repairs or maintenance as needed has done away with the 50% rule. Now they are allowed to do unlimited repairs and actually rebuild within the same footprint. Everything we do, we try to encourage them to move back. However, moving back is rarely simple to someone who may have a small cabin and the foundation is no longer viable and they want to build a larger structure. To some people, it is a huge burden to move a home back. It sounds simple to us on paper, but when you look at a picture, and I think that we need to address that very carefully.

We need to look out for the water, yes, I agree. But I think if some money was spent on aquatic species and problems that we have in our waters and water quality tests, so that lake associations or lake organizations would not have to spend endless hours trying to get grant money to do a study on their lake, that that was made a little more readily available. I think as an elected official, we sure don't want to lose our tax base on the lakes. As you know we don't have factories and industry in Oneida or Vilas Counties where we have all of the lakes, as they do down in Milwaukee and Madison where, yes they are allowed to build right out over the water. Nobody addresses the issues of the cities and villages, and I think they should be addressed as well. So there are double standards here.

The other thing is, and I listened to the gentleman from Lincoln County who just passed their shoreline zoning just recently, and they know what it costs to do this process. There is several meetings, there's a lot of money. Oneida County spent \$114,000 along with their grant money. Besides 90 meetings and I don't know how public hearings, and it was very expensive for the county. So if this rewrite comes in are all of us counties going to have to rewrite to the new NR 115, and if so, who's going to pay for it? With that I'd like to thank everybody for their time.

Sue Ackrand: My name is Sue Ackrand. I do the zoning for the town of Lac du Flambeau and I live in Vilas County. In chapter 2 on the ordinary high water setbacks, the proposal is to allow certain structures within the shoreland setback area, such as a picnic table, lawn chairs, canoes, etc. This wording is proposed to indicate that it is okay to have these items down by the lake, but they must be removed for winter.

From what I understand, it is zoning's responsibility to enforce this. For instance, Miss Wade, you have a lawn chair down by the lake and it's buried under four feet of snow, but you're going to have to remove it within 30 days otherwise you're going to be fined and put under violation. I don't understand why zoning is expected to enforce this. From what I was lead to believe, we can choose what whether to enforce this or not. If the purpose isn't to pursue enforcement, why have it at all? We don't need to have the DNR's

direction to enact more restrictive zoning controls in our ordinance. And also, where do you propose these structures be placed?

Currently gazebos, decks, boathouses, patios, walkways, lifts, and shore stations are not required to be in the viewing access corridor. If the goal is to be less obtrusive, then require that they all be viewing access corridor. Your proposals do not address this. By not addressing this, you can have a boathouse in one spot, your 30-foot wide viewing access corridor, your gazebo, your decks, your shore stations can be scattered all along the lake shore.

In chapter 3 of the nonconforming structures, I would encourage you to accept a proposal which allows the replacement of all of a nonconforming structure in the same footprint. That can be tweaked with limitations that could include just using the same square footage with no additional expansion within the 75 feet. This is one of the biggest things that I have to deal with. People use the definitions of maintenance to try to get around the ordinance and these requirements. But your own definitions of structural components, that's defined and it differentiates between ordinary maintenance and repair. But ordinary maintenance and repair incorporates structural components into the definition. This is inconsistent and it does need to be cleaned up. If we are to implement zoning regulation from your definitions, we will have nothing but trouble, which we already do. People consistently try to use maintenance, like I said before, as a way of circumventing these ordinances.

There is a lot more I'd like to address, but these are the two main things. Especially the nonconforming issue. I think that a lot of the builders have problems with this because they can piecemeal one wall, one window, a doorway, a roof at a time. If they do it all together it's a demolition. But by doing it piece by piece over a period of a few years it's not, and it's very inconsistent. Thank you.

Robert Ferris: My name is Robert Ferris. I've lived in the town of Sugarcamp. I was born in Rhinelander. I'm registered land surveyor in the state of Wisconsin. I've spent a working lifetime dealing with most of these issues. In general, I agree with Mr. Zimpleman. State level regulation should be at a minimum, in my personal opinion. It should be limited to establishing definitions that local authorities can use without being confused and not promulgating statewide rules. Our state is diverse. The needs of the diverse areas are very different.

I signed to speak here to address one specific issue, that in my career was the most difficult to deal with. I practiced in Southeastern Wisconsin. That is the concept of merging. Merging of nonconforming or substandard lots into one. Many families, in total compliance with earlier subdivision regulations created waterfront lots and then built on one of them and plan on selling the remaining ones for retirement or giving them to their kids or whatever. The concept of now creating a rule where if these don't all comply with your changed new standards; they get merged, or they are non-salable or non-deedable parcels is awful. Any lot or parcel that was created totally in compliance with existing rules, should always be a buildable lot according to the rules that were in effect at the time it was created. That's my opinion. Any structure that was in place and was compliant with the laws in effect at the time it came into being should be able to be maintained or replaced within its existing footprint, forever. If I have any time remaining, I'd like to dedicate it to Mr. Zimpleman.

Mediator: Mr. Zimpleman, there were 30 seconds remaining, would you like it? Okay we'll pass on.

Sandy Gill: I'm president of Vilas County Lakes Association, an organization dedicated to preserving, protecting, and enhancing Vilas County lakes and waterways for present and future generations. Our association is composed of hundreds of people from 43 different lake association memberships scattered across the county, plus nearly 100 individual members. Our common interest is in the over 1300 lakes in Vilas County and their associated communities.

NR 115 is a key regulatory tool that can guide stewardship of present-day riparian property owners so that our current use of Wisconsin lake shore lands protects the natural water resources and shoreland wildlife habitat as resources for our communities now, and generations to come. The current, over 35-year old NR 115, does not meet the standards of responsible lake stewardship today. The regulation needs updated definitions and specific clarifications, for it shows an overwhelming lack of incorporation of shoreland best management practices, as they are understood today.

Our responses to options recognize that in order to achieve a level of shoreland stewardship that incorporates known shoreland best management practices for water quality and wildlife habitat, modifications of prior practices need to be regulated, taught, and enforced. The final product of your work needs to present precise definitions of all terms and provide adequate means of enforcement.

I will only highlight a few of the suggestions, which we have submitted in written form. The wider a buffer depth, the wider a naturally vegetated primary, the better protection of a natural resource. Fewer disturbances of a naturally vegetated buffer area offer the best possibility for overland interception and runoff infiltration to protect water quality. The need for boathouses has diminished. With the current availability and variety of boat trailers, lifts, improved boat landings, and proximity of boat landings to shoreland property owners, there is no need to allow boathouses within the 75-foot setback of the Ordinary High Water Mark. Those beyond that distance should be regulated as a garage.

Nonconforming structures, the primary focus of this regulation, should endeavor to allow the use of structures within the 75-foot setback until such a time as they can be removed from the setback area. No expansion of structures within the 75-foot shoreland buffer will offer the greatest benefit to water quality and shoreland habitat in the long-run. Expansion within the 75-foot setback is not favored. Thank you for this opportunity. We have turned in our complete statements in written form.

Rebecca Crish: My name is Becky Crish. I'm here representing Langlade County. I'm the zoning administrator there and I was authorized to come and speak at this session by the county's Water and Land Use Planning Committee.

Langlade County recognized the inefficiencies and inadequacies in NR 115 back in the early 1990's. When the DNR, at that point, did not consider opening up the rule and making revisions, we went ahead, because the citizens asked us to, and revised our shoreland zoning regulations. We went through a four to five year process, made revisions, came back again in 2002, reopened those and made some additional changes. So me here appearing, I want to emphasize the experience Langlade County has with some of the proposals that are outlined in the new NR 115.

One of the frustrations when I read the proposed rule, is that there is very little recognition of all the county's work that has occurred in Northern Wisconsin in the last five years. I think there is only one spot in the entire rule where it refers to the counties' mitigation requirements could be more restrictive. I think the Department has to give more recognition to all of the work the counties have put into this.

With that in mind, I also think the proposal is way too detailed for an Administrative Rule. I think you are writing zoning ordinance language into an administrative rule. I think you would be better served by writing a little bit more general and giving the counties more flexibility and local control over some of those issues. That is one of the reasons that the committee has sent me here to testify, so that we can protect the interests and all of this work that Langlade County has put into revising our zoning regulations.

Thirdly, we are particularly interested in your nonconforming section. We don't like at all the habitable living concept. We were one of the first counties in the state to get rid of the 50% rule. That is a major flaw and a problem that I think everybody knows about. I think your proposal about major reconstruction is not at all appropriate. I am very concerned, and the county is very concerned about how you are addressing nonconforming structures. I think there is a little bit too much leeway there in terms of rebuilding to close to the water.

Lastly, and this relates to the nonconforming structures, our county is very concerned about how the DNR will interpret our existing code once changes are made on NR 115. Of course the DNR always comments that we (counties) can be more restrictive, and in Langlade County we are. We have a water classification system, we have more restrictive setbacks, but when it comes to the nonconforming section, I'm very curious to see how the DNR will interpret whether or not our rule is more restrictive or less restrictive than what is being proposed. To me it will be like comparing apples to oranges and I can see that the Department attorneys will make an interpretation that we probably will not be happy with. I do want to thank the DNR for holding these sessions, at least three sessions, in Northern Wisconsin. I think that is unprecedented, so thank you for doing that.

Carl Freed(?): My name is Carl Freed(?). I live by Spur Lake in the town of Crescent, Oneida County. I'll have to be very generic tonight because I didn't have a chance to go through your proposals. I think everybody is aware of how the lakes have been changing over the last 20 years. There are a lot of things that are going on that are fundamentally different than what was happening 25-30 years ago. It seems that at one time, when people who had a lot of money would come up here they truly wanted to get away so they would not come up here to show off, but they would build a little cottage on the lake for a get-away. Now there seems to be this competition to see who can build the biggest mansion on the lakes. There is really big money right now in developing our lakes, and it's putting a lot of pressure on the lakes. I think, for that reason, it is especially important that we develop improvements in lake protection at this time.

There are basically four fundamental principles that effect how shoreline development effects our lakes, specifically shoreline protection. That means, of course, leaving your natural vegetation in some buffer zone along the lake, density of development of the lake, the setback of the structures from the shoreline, and restrictions on the amount of impermeable surfaces because that effects the amount of runoff that goes into the lakes. I just wanted to say that I support the things you are proposing that afford the best protection for our lakes. Thank you very much.

James Tate: I'm Jim Tate, and at the last minute I threw my card in the hat here and must be the last speaker here. I'm from Boulder Junction. As an owner on the Trout River and also a friend of many different families that own lake frontage, and also as a Realtor, I probably see more properties along the lake shore than many people in the area. One of the things I see in Oneida and Vilas County is that they have taken the step forward in their local control in being able to increase their restrictions on building and so-forth. I see it as a very positive step. I feel very strongly that local control should stay local control. I think our county boards are very much aware of what's happening and have put restrictions on there to do the control. I'm not sure that at the state level and the rewrite of NR 115 is the way to go. However, I do like a lot of the different aspects of 115 and appreciate the work that has been done.

One of the two concerns that I have is a legal house should remain a legal house on the waterfront regardless of where it has been. It is something that a person has purchased. I have seen a lot of new owners come into the area with very little money and they're hoping to be able to keep this in the family for years to come. Change in NR 115 could easily put undo burden upon them and their minor incomes in being able to hold onto their property and being able to expand in the future.

I'm also concerned about the nonconforming lots. Vilas County has the lake classification and so-forth. In talking with key DNR people where the merger of title stays is going to be very important, whether it stays with the state or goes with the county. A good example is, if I am on a lake that requires 300 feet of frontage, and I already own a 150-foot lot and I buy a 300-foot lot, later if I want to give that 150-foot lot to one of my kids, I would be unable to do so depending on where that merger of title lies. This forces owners to retain their lots and not be able to sell them because now they are nonconforming because of the 100-foot minimum or because the lake classification does great injustice.

As far as a final comment, I have lived on Trout Lake all my years. I've seen a number of resorts disappear and I've seen a lot of new homes come up. Without the resorts there I have seen less and less traffic on the lakes. The new owners of these homes and so-forth hardly use the lakes as the resorts have. As far as seeing more pressure on lakes, I'm seeing, in many cases, less pressure. Thank you very much.

Mediator: Final call for the folks who were missing when you were called tonight: Ted Kushing, John Schwartzman, Jim Belaney. Well ladies and gentlemen thank you very much that concludes tonight's, and right on time I might add, our informational session.

Session II

Mediator: Because of the small number of people, should we say 5 minutes should be reasonable to take your opinions. Keep in mind that written comments are equal to spoken comments. Written comments can be submitted until December 31st.

Franklin Greb: According to the publication announcing these meetings, the goal was to protect public rights and navigable waters, and yet, it goes well beyond that. Land is not a navigable water and yet you're into land. Why should an unincorporated area be treated differently than an incorporated area? I think this is totally unjust that because you live in an incorporated area you can literally build right up to the water. But yet, we live out in, shall we say the boondocks, we have to have a 75-foot buffer. That is totally unjust. It would appear that all property owners of the shore, at least from what I've been hearing, are out there to destroy the land and the shoreline and the water. Nothing could be more false. Assuming a unit in a legal matter, and I was glad to hear the comment here that if it was built legally, whether it be 20 years, 30 years, 40 years or 50 years, it should always be legal. I don't like the word nonconforming. It may be nonconforming with today's regulations, but it is a conforming structure. Limiting of maintenance, well we've got that taken care of.

The one big question that I've got is will the DNR be able to tell us what the minimum standards are when this is finished?

Mediator: Sir, I'm sorry, but we're finished with the question period. If you want to touch base with the staff afterwards that would be fine.

Mr. Greb: Because right now they can't. Thank you.

Rodney Watkins: Thanks. Just wanted to say that I'm in favor of the Department's stance on protecting the resource and focusing on the resource. It's not necessarily a personal preference whether you like to see homes or don't like to see homes. It's about the habitat and about the water quality and about the wildlife we who don't get to own the land who we take care of: a public entity. I'll have more comments in the written section. I know where I stand on some issues now and I'll say those.

On buffer depth I'm in favor of Proposal A. On view corridors, I'm in favor of Proposal A. Nonconforming structures, I need to look into that a lot more. Boathouses, I'm in favor of Proposal A. I don't understand why we would have an impervious structure built on the lakeshore with a zero-foot setback. You might as well have a single-family residence there as long as the septic tank is set back far enough that the plume couldn't get into the water.

I guess that those are my main points for the night. I think it is really important to focus on the science. I think that anyone who is lucky enough to own lake shore in Wisconsin has a huge responsibility to the land and to the public and really needs to take care of the resources and take the time to educate oneself about the interaction between the terrestrial and the aquatic environments and how habitat, which is a complex composition of different types of species and structure being vertical structure (whether it be downed wood or standing trees or brush or mowed lawn) all come into play to support the wildlife we all enjoy and appreciate when we get to come to the Northwoods.

R. T. Krueger: My name is R. T. Krueger, and I am the president of Northern Lakes Service Incorporated, an environmental compliance laboratory located in Crandon, WI. We've been performing lake management studies for nearly 30 years now, and I have had an opportunity to take part in these surveys since I was eight years old. From that early age I learned the science of lake protection and lake degradation. I've worked on lakes with many of the major problems associated with unwise and improper shoreline development. The human factors that can and do lead to lake degradation are varied. People will argue that high-impact recreational use has a greater impact on water quality than shoreline usage. I'm not here to debate the actual quantitation of one impact over another, but simply to make that point that unwise shoreland development has a negative impact on our lakes.

This is by no means abstract, disputable scientific postulation. Improper development practices lead to increased, and often intensified, runoff and erosion. Any increased addition of nutrients to a lake will speed the natural aging process, which is characterized by a degradation of water quality. Even more simple to understand or visualize is poor management strategies leading to increased sedimentation leading to loss of fish habitat. You can see the process from start to finish. There is no argument to this impact. This is not rocket science. Unwise shoreland development leads to physical and chemical degradation of a lake.

I've also worked with lake groups that have become down-right angry with me for pointing out that the degradation of water quality is most likely due to their activities. Everybody wants to believe that they are good stewards to the lakes, but the fact is if we choose to build too close to the shoreline, too large a dwelling, and/or without implementing the appropriate measures to lessen impacts to the lakes we are not good stewards.

Too often we do these things because our neighbors have done this and we should have the right to do so, also. Or we pay a lot in taxes and we should have the right to do with our property whatever we please. We should have personal rights, and we should have equal rights, but we should not have the right to ignore sound science and destroy Public Trust.

The two principle facts that I see are these: 1) Unwise shoreland development degrades water quality, destroys wildlife habitat, and negatively impacts aesthetics. 2) We as a society armed with this knowledge are not able to police our own activities. For these reasons it is imperative that we allow sound science to defeat ignorance and selfishness and put a reasonable, strict, and enforceable code in place. Thanks a lot. That is my prepared statement, and I have one more comment to make. I hate to be real cynical about this, but the fact of the matter is without mitigation specifications in this code, in the hands of some of the counties, I'm not going to generalize about all of the state, but in the hand of some of the counties there is no mitigation component to this thing, period. There will not be. A comment was

made, and it's a great comment. I've spent almost every single 4th of July of my life going to meetings and educating people who want to know how to save and protect their lakes. The fact is we're not doing it. Just by hoping that people grab onto this and hoping that counties look at mitigation, it's not going to happen, unfortunate. Thanks a lot.

Pete Davison: Thank you. I was privileged to grow up on a lake in Forest County. I'm even more fortunate now to live on that lake. And I've watched as every available 100-foot lot on that lake has been carved out of the shoreline, sold, and developed. And I'm fairly sure that people weren't attracted to those lots on that lake because the remainder of the lake was manicured, fertilized lawns right down to the water's edge. The issue is not the character of Northern Wisconsin or aesthetics; the issue is protecting and preserving the resource.

I happen to believe in the Public Trust. We do not need 75-foot setbacks as a people. We do not need 35-foot or 50-foot buffer zones. We don't even need smaller viewing corridors. The lakes need all of these, and they need more. I've seen our own lake deteriorate, and the water quality decline significantly within the past 20 years. This degradation is supported by at least two lake studies within the past 10 years. As we as a people have decided to increase the value of our cabins from \$40,000 to \$400,000, the corresponding mentality is that we darn-well should be able to do whatever we want with our highly taxed piece of property.

Our lakes have had minimum protection for the past 35 years with the NR 115 regulations. These protections have barely kept pace with the extensive development. Zoning requirements, I believe, are for the common good, the greater good, and I support, at the least, all of the Option A's as proposed and presented on the NR 115 rewrite. I appreciate the committee's efforts, and I urge them to give our water's the protection they need and deserve. Thank you.

Chuck Halburn: I'm Chuck Halburn, and I chair Vilas County Zoning. Our committee has not fully taken this issue up. But I will speak on behalf of the position that we as a committee have discussed. We feel threatened by any changes that usurp our current ordinance. Our current ordinance consists of lake classification. We have developed and we have spent untold tens of thousands of dollars on this ordinance. Listening, I hear the gentlemen from Forest County, and I'm sure you're going to hear from other counties. I don't believe Vilas County wants to lose its sovereignty, you might say, in the jurisdiction of its ordinance to the state of Wisconsin. We have standards set forth and codified by the DNR that are in our ordinance. The new NR 115 rewrite usurps those, and we are troubled by that.

Areas that we are also troubled by is the fact that the DNR has taken such a vigilant stance on NR 115 rewrite, which compromises certain elements of our own zoning ordinance. It's not working on really important issues like exotic invasives that threaten every water body in the state. A horrendous opportunity was lost here recently when the Governor repealed the funding that was set forth by the 34th district assemblyman Dan Meyer, in locating 2.5 million dollars to do this. We say that we are concerned about the environment, and it's the people on the lakes that are doing it. They're not even focusing on the things that are coming into our public lakes. The lakes are protected by the Public Trust Doctrine, yet we're leaning on lake associations and lake districts to pony up their hard earned tax dollars to fight invasive species. This is an area where I feel the DNR should be focusing a lot more energy than on some of the other things they've been doing.

Again, when you're taking our ordinance, and we have standards that are below the new NR 115. We're going to have to go back to our people, who were perhaps I believe the first county in the state to do lakes classification. Now we've got to go back and tell them, "well, sorry the rules have changed." We have been under a constant state of amendments since it has been adopted. We've been working our way through it and now you've shuffled the cards again. I don't know how this is going to play out with the

Vilas County citizenry. We'll soon see if this is adopted. There are elements in here that I will respond to in writing. Our committee and our County will also respond in writing to this. And we will meet your information deadline. Sorry, I don't mean to sound like I'm scolding the DNR, but I think there are other issues here at stake other than getting boathouses 75 feet back from the lake. Why don't we just say no boathouses and call them garages? Again, there are many things in here that we will respond to in writing, and I thank you for your time.

Chip Neilson: As you know, I am a committee member, and I've had plenty of opportunity to put my two cents in over the course of all of these meetings. But there is just one matter that I wanted to address tonight. In the proposals that are out in written form it's kind of indicated that any time you don't see a box that there was a nearly uniform opinion within the committee on that. There are just a couple of exceptions that I think it's only fair to point out. One is a provision on page seven that says "If a substandard size lot and abutting lands have the same owners, the nonconforming lot may not be sold or developed separate from the abutting land unless the parcels are re-divided into lots that comply with current minimum lot size requirement." In other words, you're required to join existing lots.

That was not a matter that was really a subject of debate in the committee. It came very late, as a matter of fact, the last of our meeting days, and really was not a position that the committee was able to address it. I'm concerned about that provision. I don't think it squares well with existing law concerning previously platted lots. And I think it really represents some type of regulatory taking of property... Other people have testified today about people who own multiple lots in common ownership with the idea that they are property that can be sold or developed independently. And I think that the unfortunate part about this is that by putting these types of provisions in, you really won't accomplish anything because most people will find a way to sell them before the rule becomes effective or place them in other ownership. I wanted to point out that that is not something the committee addressed.

The other matter that we really did not address well as a committee concerns minimum lot sizes and additional frontage requirements for multiple family developments. This provision as stated in here was never actually seen by the committee. It represents a revision from an original proposal that again came to us on the last day of the committee work. All I want to comment is that I hope the DNR will be attentive to any comments that it receives on these proposals because those two proposals, in particular, did not receive the attention of the committee. Thanks.

Mediator: That concludes the public comment period, and I guess that concludes our evening. Thank you very much for coming and please do drive carefully. It could be getting greasy out there.